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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

CURTIS LANGLEY,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

C/A No. 2:05-0065-TLW-RSC

ORDER

The Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, by her undersigned attorneys, Jonathan S. Gasser, Acting United States Attorney for the District of South Carolina, and Robert F. Daley, Assistant United States Attorney for said district, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. Under sentence four of 42 U.S.C. § 405(g), the Court has power “to enter, upon the pleadings and transcript of record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” See Shalala v. Schaefer, 509 U.S. 292 (1993).

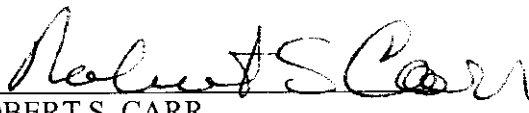
Upon remand by the Court, an Administrative Law Judge (ALJ) will reevaluate Plaintiff’s claim in light of the evidence submitted with his subsequent application for benefits, upon which Plaintiff was found disabled on September 25, 2004, one day after the ALJ’s decision in the instant case, and reconcile all issues.

Wherefore, pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence

four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings and the Plaintiff's consent, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a **REMAND** of the cause to the Commissioner for further administrative proceedings as set out above.¹ See Shalala v. Schaefer, 590 U.S. 292.

AND IT IS SO ORDERED.


ROBERT S. CARR
United States Magistrate Judge

June 28, 2005
Charleston, South Carolina

¹The Clerk of the Court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.